

The Department of Community Planning & Development

City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: March 22, 2006
Re: **REZONING: R-1, Low Density Single-Family Residential, to B-3C, Community Business District (Conditional) for twenty-seven hundredths (0.27) of an acre of property on the southeast side of Leesville Road approximately 1900 feet from the intersection of Greenview Drive and Leesville Road, also known as Valuation Number 266-06-016.**

I. PETITIONER

Greenview Properties, LLC, P.O. Box P7000, Lynchburg, VA 24505-7000

Representatives: Ray Booth, English Construction Company, Inc., P.O. Box P7000, Lynchburg, VA 24505-7000

II. LOCATION

The subject property is a tract of approximately twenty-seven hundredths (0.27) of an acre of property on the southeast side of Leesville Road approximately 1900 feet from the intersection of Greenview Drive and Leesville Road, also known as Valuation Number 266-06-016.

Property Owners:

English Construction Company, Inc., P.O. Box P7000, Lynchburg, VA 24505-7000

III. PURPOSE

The purpose of the petition is to rezone approximately twenty-seven hundredths (0.27) of an acre from R-1, Low Density Single-Family Residential to B-3C, Community Business District (Conditional) to allow a commercial entrance to serve a proposed roadway in Campbell County.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan* which recommends a Low Density Residential use, which may include public uses in scale with single family residential homes. The plan also promotes regional cooperation in issues related to land use, growth and development.
- Petition agrees with the Zoning Ordinance in that commercial entrances are permitted in a B-3, Community Business District.
- The commercial entrance is proposed as part of the Cooperation Agreement between the City of Lynchburg & County of Campbell to adequately address traffic and service concerns from the previously approved Compson Rezoning.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Low Density Residential use for the subject property. Low Density Residential uses are dominated by single family detached housing at densities of up to four dwellings per acre. In addition to residential uses, they may include public and institutional uses in scale with single family residential homes. The plan also recommends promoting regional cooperating in issues related to land use, growth and development. Land use decisions and planning in the surrounding counties have an will

continue to have an impact on how the City approaches land use, transportation, utility extension and environmental management. **(5.7, Regional Land Use Issues)**

The subject property is also located along Leesville Road, approximately 1900 feet from the intersection of Greenview Drive and Leesville Road. This area is listed as a “minor gateway” to the City. The City’s gateways serve as the community’s front door, establishing first impressions and reinforcing images and perceptions of Lynchburg’s quality of life. The Comprehensive Plan states that “if a property in a gateway area is proposed for rezoning, the City will seek proffers that ensure high aesthetic quality of development and that set aside land for gateway features.” **(4.1-4.3)**

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low Density Single-Family Residential zoning was established in 1978 with the adoption of the current Zoning Ordinance.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
 1. The site will be developed in substantial accordance with the site plan.
 2. A traffic study will be performed before the road is completed and Greenview Properties, LLC agrees to construct any required improvements before the road is open to traffic.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
5. **Previous Actions.** The following items in the immediate area have required City Council approval:
 - On November 9, 2004, City Council approved Joe Gantt’s conditional use permit petition and petition to rezone six and eighteen hundredths (6.18) acres at 716 Leesville Road from R-1, Low Density Single-Family Residential District to R-3C, Medium-Density Two-Family Residential District (Conditional), to allow construction of fifty-nine (59) townhouse units (for sale).
 - On October 10, 2001, City Council approved Tree of Life Ministries’ conditional use permit petition for a master development plan, including a sanctuary, multi-purpose building, parking and athletic fields, at 742 and 752 Leesville Road, in an R-1, Low Density Single-Family Residential District.
 - On August 10, 1999, City Council approved Gerald and Deborah Maxey’s petition to rezone eight tenths (0.8) of an acre at 794 Leesville Road, from B-3, Community Business District to B-1, Limited Business District to allow office use of an existing structure for a counseling service.
 - On January 12, 1999, City Council approved The Church of God’s conditional use permit petition to construct a forty-one (41) space parking lot, of which thirty (30) spaces will be located in the City of Lynchburg, at 777 Leesville Road in an R-1, Low Density Single-Family Residential District.

- On August 13, 1996, City Council approved Tree of Life Ministries' conditional use permit petition for expansion of existing church facilities at 742 Leesville Road, in an R-1, Low Density Single-Family Residential District.
 - On August 13, 1991, City Council approved Tree of Life Ministries' conditional use permit petition for the construction of a sanctuary and parking lot at 742 Leesville Road, in an R-1, Low Density Single-Family Residential District.
 - On October 13, 1987, City Council approved Glenn and Jo Anne Carter's petition to rezone three and a half (3.5) acres at 794 Leesville Road from R-1, Low Density Single-Family Residential District to B-3C, Community Business District (Conditional) to allow the expansion of an existing nonconforming retail nursery and the use of an existing house for residential or nursery uses.
 - On July 14, 1981, City Council approved the Coffee's petition to rezone twelve and a half (12.5) acres at 762 Leesville Road from an R-1, Low Density Single-Family Residential District to an R-4C, Medium-High Density Multi-family Residential District (Conditional) for the construction of a multi-family development.
6. **Site Description.** The subject property is bound to the northeast, northwest, west and southwest by single-family uses, and to the north, east, and south by vacant land (zoned R-1, Single-Family Residential District).
 7. **Proposed Use of Property.** The purpose of the rezoning is to allow the construction of a commercial access drive to serve a proposed roadway in Campbell County. The commercial entrance is proposed as part of the Cooperation Agreement between the City of Lynchburg & County of Campbell to adequately address traffic and service concerns with the Wards Crossing West (Compson Development) shopping center. The cooperation agreement provides that Campbell County will obtain necessary right-of-way, design and construct an access road from the proposed development area to either Leesville Road or Airport Road. **(Section 3.1 of Agreement)**
 8. **Traffic.** The City's Traffic Engineer requested a traffic study to determine if a traffic signal will be needed for the proposed entrance. The petitioner has expressed concerns that a traffic study, under current conditions, may not show the full extent of traffic problems associated with the proposed development adjacent to the access road. The petitioner has agreed to perform the study before the road is completed and to construct any required improvements before the road is open to traffic. The proffer has been reviewed by and is acceptable to the City's Traffic Engineer.
Of particular concern to the Planning Division is the aesthetic quality of the entrance. This area is listed as a "minor gateway" to the City. The City's gateways serve as the community's front door, establishing first impressions and reinforcing images and perceptions of Lynchburg's quality of life. The Comprehensive Plan states that "if a property in a gateway area is proposed for rezoning, the City will seek proffers that ensure high aesthetic quality of development and that set aside land for gateway features." **(4.1-4.3)** The site plan for rezoning addresses this concern by providing for significant landscaping at the drive's entrance, as well as street trees along the one hundred and seventy five (175) feet of roadway that lies within the City limits.

9. **Stormwater Management.** The total impervious surface of the portion of the entrance that lies in the City limits is approximately 13,000 square feet; a stormwater management plan will be required because new impervious area exceeds 1,000 square feet. Due to the topography of the site, all storm water runoff from the entrance will be discharged into Campbell County. However, because plans have not been completed for the roadway, storm water management plans have not yet been developed. It is assumed that storm water quality and quantity will ultimately be managed for this project (inclusive of the roadway, proposed shopping center, commercial and other development) on a regional basis; however, at a minimum, stormwater quality will be addressed using the proposed landscaping as a best management practice. The ultimate receiving channel for the runoff is the either Rock Castle Creek or a tributary of Rock Castle Creek. Both of these waters are considered adequate receiving channels.
10. **Emergency Services.** The City's Fire Marshal had no comments on the rezoning application for the proposed commercial entrance.
The City Police Department had no comments on the proposed commercial entrance.
11. **Impact.** The petition proposes to rezone approximately twenty-seven hundredths (0.27) of an acre from R-1, Low Density Single-Family Residential to B-3c, Community Business District (conditional) to allow a commercial entrance to serve a proposed roadway in Campbell County. The commercial entrance is proposed as part of the Cooperation Agreement between the City of Lynchburg & County of Campbell to adequately address traffic and service concerns from the previously approved Compson Rezoning. The Future Land Use Map recommends a "Low Density Residential" use for the subject property, which may include public uses. The plan also recommends promoting regional cooperating in issues related to land use, growth and development; thus, the proposed rezoning is in compliance with the *Comprehensive Plan*. Allowing the commercial entrance will likely lead to future commercial rezoning petitions along Leesville Road and the City should study future impacts that will result from the entrance. The major impacts associated with the proposed development will be traffic, landscaping/aesthetics of the property within the minor gateway and stormwater. The City's Traffic Engineer requested a traffic study to determine if a traffic signal will be needed for the proposed entrance. The petitioner has expressed concerns that a traffic study, under current conditions, may not show the full extent of traffic problems associated with the proposed development adjacent to the access road. The petitioner has agreed to perform the study before the road is completed and to construct any required improvements before the road is open to traffic. The proffer has been reviewed by and is acceptable to the City's Traffic Engineer.

Landscaping and gateway concerns have been addressed by the petitioner within the site plan for rezoning. The plan provides significant landscaping at the drive's entrance, as well as street trees along the one hundred and seventy five (175) feet of roadway that lies within the City limits.

The total impervious surface of the portion of the entrance that lies in the City limits is approximately 13,000 square feet; a stormwater management plan will be required because new impervious area exceeds 1,000 square feet. Due to the topography of the site, all storm water runoff from the entrance will be discharged into Campbell County. However, because plans have not been completed for the roadway, storm water management plans have not yet been developed. It is assumed that storm water quality and quantity will ultimately be managed for this project (inclusive of the roadway, proposed shopping center, commercial and other development) on a regional basis; however, at a minimum, stormwater quality will be addressed

using the proposed landscaping as a best management practice. The ultimate receiving channel for the runoff is the either Rock Castle Creek or a tributary of Rock Castle Creek. Both of these waters are considered adequate receiving channels.

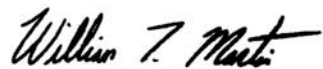
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on February 28, 2006. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTION(s)

That the Planning Commission waives the twenty-one (21) day submittal requirements for proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends approval of the rezoning of twenty-seven hundredths (0.27) of an acre of property on the southeast side of Leesville Road approximately 1900 feet from the intersection of Greenview Drive and Leesville Road, also known as Valuation Number 266-06-016 R-1, Low Density Single-Family Residential, to B-3c, Community Business District (conditional) with the voluntarily submitted proffers.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Capt. Michael L. Thomas, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette Chenault, Planner II
Ms. Nicole Gilkeson, Community Development Planner
Mr. Ray Booth, Representative

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
(see attached map)

2. Vicinity Proposed Land Use
(see attached map)

3. Site Plan
(see attached site plan)

4. Cooperation Agreement
(see attached agreement)

5. Project Narrative



Hurt & Proffitt, Inc.

*Engineering • Surveying • Environmental
Materials Testing • Geotechnical
Site Planning*

2524 Langhorne Road • Lynchburg, VA 24501
(434) 847-7796 • FAX (434)847-0047

REZONING NARRATIVE (REVISED)

Greenview Properties, LLC
Commercial Entrance at 759 Leesville Road
Lynchburg, Virginia

CITY PROJECT #REZ0602-0001
HURT & PROFFITT PROJECT #20050985

PROJECT DESCRIPTION

The Rezoning Plan for the Leesville Road Commercial Entrance shows only the portion of a proposed roadway that will be constructed on property located in the City of Lynchburg. The total length of roadway that will be in the City of Lynchburg is approximately 175 feet. The majority of the access road will be constructed in Campbell County.

The Leesville Road Commercial Entrance will be constructed on property that is currently zoned R-1. The rezoning application that was submitted requests that the property be rezoned to B-3.

There are no plans at this time for a sign to be located at the entrance.

A 125' right turn lane with a 75' taper is proposed to facilitate eastbound traffic turning right into the development. A 10' strip of land will be dedicated to the City of Lynchburg for this purpose.

STORM WATER MANAGEMENT (QUALITY AND QUANTITY)

Roadway construction plans, which will include the entrance to Leesville Road, have not been completed. When they are completed, they will provide detailed information on how storm water will be collected in the new roadway and discharged to an adequate receiving channel. Due to the topography of the site, all storm water runoff from the entrance will be discharged into Campbell County. Therefore, erosion and sediment control plans will be submitted to Campbell County for their review and approval.

The total impervious surface of the portion of the entrance that lies in the City limits is approximately 13,000 square feet. Storm water quality will be addressed using the proposed landscaping as a best management practice. However, because plans have not been completed for the roadway, storm water management plans have not yet been developed. It is assumed that storm water quality and quantity will ultimately be managed for this project (inclusive of the roadway, proposed shopping center, commercial and other development) on a regional basis.

The portion of the project that is in the City of Lynchburg is located in zone 'C' and is not located within flood hazard zone 'A' for a 100-year flood as determined by F.E.M.A. and as shown on Community Panel Map #510093-0020 dated November 16, 1983.

ADEQUATE CHANNEL

The ultimate receiving channel for the runoff is the either Rock Castle Creek or a tributary of Rock Castle Creek. Both of these waters are considered adequate receiving channels.

LANDSCAPING/OTHER

Clearing and grading limits are shown on the attached CUP plan. In lieu of an evergreen buffer, as required by City Code, between the rezoned B-3 property and the adjacent R-1 property, the developer will landscape the entrance. Landscape plantings will be as provided on the attached Rezoning plan. Street trees will be located along both sides of the roadway and in the median. Furthermore, large landscaped areas will flank the entrance as shown on the attached plan.

No exterior lighting is proposed at this time.